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**UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEVADA**

K.C., a minor, by and through her  
guardian Carolina Navarro; A.S., a  
minor, by and through her guardian  
Araceli Saenz; K.C., by and through her  
guardian Amber Neubert; JACQUELINE  
LAWRENCE; KEITH CHILDRESS,  
SR., in each case individually and as  
successor in interest to Keith Childress,  
Jr., deceased; and FREDERICK WAID  
as special administrator of the ESTATE  
OF KEITH CHILDRESS, JR.,

Plaintiffs,

vs.

LAS VEGAS METROPOLITAN  
POLICE DEPARTMENT, UNITED  
STATES DEPARTMENT OF JUSTICE  
MARSHALS SERVICE; ROBERT  
BOHANON; BLAKE WALFORD;  
JAMES LEDOGAR; BRIAN  
MONTANA; and DOES 2-10, inclusive,

Defendants.

Case No. 2:16-cv-03039-JCM-NJK

**SECOND AMENDED COMPLAINT  
FOR DAMAGES**

1. Unreasonable Search and Seizure—  
Excessive Force (42 U.S.C. § 1983)
2. Unreasonable Search and Seizure—  
Denial of Medical Care (42 U.S.C.  
§ 1983)
3. Substantive Due Process—(42  
U.S.C. § 1983)
4. Municipal Liability for  
Ratification—(42 U.S.C. § 1983)
5. Municipal Liability for Failure to  
Train—(42 U.S.C. § 1983)
6. Municipal Liability for  
Unconstitutional Custom, Practice,  
or Policy—(42 U.S.C. § 1983)
7. Battery (Wrongful Death)
8. Negligence (Wrongful Death)
9. Wrongful Death (Federal Tort  
Claims Act—28 U.S.C. §1346(b))
10. Supervisory Liability—(*Bivens*)
11. Unreasonable Search and Seizure—  
Excessive Force (*Bivens*)
12. Substantive Due Process—(*Bivens*)

**DEMAND FOR JURY TRIAL**



1           4.     FREDERICK WAID is the special administrator of the ESTATE OF  
2 KEITH CHILDRESS, JR. ("ESTATE"). The ESTATE seeks survival damages,  
3 special damages, funeral and burial expenses, and punitive damages under federal  
4 and state law.

5           5.     Plaintiff K.C. is a minor individual residing in Escondido, California  
6 and is the natural born child of DECEDENT. K.C. sues by and through her  
7 guardian Carolina Navarro both in her individual capacity as the child of  
8 DECEDENT and in a representative capacity as a successor in interest to  
9 DECEDENT. K.C. seeks both survival and wrongful death damages under federal  
10 and state law.

11          6.     Plaintiff A.S. is a minor individual residing in Escondido, California  
12 and is the natural born child of DECEDENT. A.S. sues by and through her guardian  
13 Araceli Saenz both in her individual capacity as the child of DECEDENT and in a  
14 representative capacity as a successor in interest to DECEDENT. A.S. seeks both  
15 survival and wrongful death damages under federal and state law.

16          7.     Plaintiff K.C. is a minor individual residing in Laveen, Arizona and is  
17 the natural born child of DECEDENT. K.C. sues by and through her guardian  
18 Amber Neubert both in her individual capacity as the child of DECEDENT and in a  
19 representative capacity as a successor in interest to DECEDENT. K.C. seeks both  
20 survival and wrongful death damages under federal and state law.

21          8.     Plaintiff JACQUELINE LAWRENCE ("LAWRENCE") is an  
22 individual residing in Laveen, Arizona and is the natural mother of DECEDENT.  
23 JACQUELINE LAWRENCE seeks both survival and wrongful death damages  
24 under federal and state law.

25          9.     Plaintiff KEITH CHILDRESS, SR. ("CHILDRESS") is an individual  
26 residing in Moreno Valley, California and is the natural father of DECEDENT.  
27 LAWRENCE seeks both survival and wrongful death damages under federal and  
28 state law.

1           10. Defendant ROBERT BOHANON (“BOHANON”) is a sergeant or  
2 police officer for the Las Vegas Metropolitan Police Department (“LVMPD”). At  
3 all relevant times, BOHANON was acting under color of law within the course and  
4 scope of his duties as a sergeant or police officer for the LVMPD. At all relevant  
5 times, BOHANON was acting with the complete authority and ratification of his  
6 principals, LVMPD. Defendant BOHANON is sued individually.

7           11. Defendant BLAKE WALFORD (“WALFORD”) is a sergeant or police  
8 officer for the LVMPD. At all relevant times, WALFORD was acting under color  
9 of law within the course and scope of his duties as a sergeant or police officer for  
10 the LVMPD. At all relevant times, WALFORD was acting with the complete  
11 authority and ratification of his principal, LVMPD. Defendant WALFORD is sued  
12 individually.

13           12. Defendant JAMES LEDOGAR (“LEDOGAR”) is a sergeant or police  
14 officer for the LVMPD. At all relevant times, LEDOGAR was acting under color of  
15 law within the course and scope of his duties as a sergeant or police officer for the  
16 LVMPD. At all relevant times, LEDOGAR was acting with the complete authority  
17 and ratification of his principal, LVMPD. Defendant LEDOGAR is sued  
18 individually.

19           13. Defendant BRIAN MONTANA (“MONTANA”) is a deputy for the  
20 United States Department of Justice Marshals Service (“DOJMS”). At all relevant  
21 times, MONTANA was acting under color of law within the course and scope of his  
22 duties as a deputy for DOJMS. At all relevant times, MONTANA was acting with  
23 complete authority and ratification of his principal, DOJMS. Defendant  
24 MONTANA is sued individually.

25           14. At all relevant times, Defendant United States Department of Justice  
26 Marshals Service is and was a duly organized public entity, form unknown, existing  
27 under the laws of the United States of America. Defendant DOJMS is a component  
28 of the United States Department of Justice, an agency established in the Executive

1 Branch of the United States government, with the capacity to be sued. At all  
2 relevant times, DOJMS was the employer of Defendants DOJMS DOES (DOES 4-  
3 6) and DOJMS DOE SUPERVISORS (DOES 7-8).

4 15. At all relevant times, Defendant Las Vegas Metropolitan Police  
5 Department (“LVMPD”) is and was a duly organized public entity, form unknown,  
6 existing under the laws of the State of Nevada. Defendant LVMPD is a chartered  
7 subdivision of the State of Nevada with the capacity to be sued. At all relevant  
8 times, Defendant LVMPD was responsible for assuring that the actions, omissions,  
9 policies, procedures, practices, and customs of the LVMPD and its employees and  
10 agents complied with the laws of the United States and of the State of Nevada. At  
11 all relevant times, LVMPD was the employer of Defendants LVMPD DOE  
12 OFFICERS (DOES 1-3) and LVMPD DOE SUPERVISORS (DOES 9-10).

13 16. Defendants DOES 2-3 (“LVMPD DOE OFFICERS”) are sergeants or  
14 police officers for the LVMPD. At all relevant times, LVMPD DOE OFFICERS  
15 were acting under color of law within the course and scope of their duties as  
16 sergeants or police officers for the LVMPD. At all relevant times, LVMPD DOE  
17 OFFICERS were acting with the complete authority and ratification of their  
18 principal, Defendant LVMPD. LVMPD DOE OFFICERS are sued individually.

19 17. In doing the acts and failing and omitting to act as hereinafter  
20 described, Defendants LVMPD DOE OFFICERS were acting on the implied and  
21 actual permission and consent of Defendants LVMPD and LVMPD DOE  
22 SUPERVISORS (DOES 9-10).

23 18. Defendants DOES 4 – 6 (“DOJMS DOE DEPUTIES”) are deputies for  
24 the DOJMS. At all relevant times, DOJMS DOE DEPUTIES were acting under  
25 color of law within the course and scope of their duties as deputies for the DOJMS.  
26 At all relevant times, DOJMS DOE DEPUTIES were acting with the complete  
27 authority and ratification of their principal, Defendant DOJMS. DOJMS DOE  
28 DEPUTIES are sued individually.

1           19. In doing the acts and failing and omitting to act as hereinafter  
2 described, Defendants DOJMS DOE DEPUTIES were acting on the implied and  
3 actual permission and consent of Defendants DOJMS and DOJMS DOE  
4 SUPERVISORS (DOES 9-10).

5           20. Defendants DOES 7 – 8 (“DOJMS DOE SUPERVISORS”) are  
6 managerial, supervisory, and policymaking employees for the DOJMS. At all  
7 relevant times, DOJMS DOE SUPERVISORS were acting under color of law within  
8 the course and scope of their duties as managerial, supervisory, and policymaking  
9 employees for the DOJMS. At all relevant times, DOJMS DOE SUPERVISORS  
10 were acting with the complete authority and ratification of their principal, Defendant  
11 DOJMS.

12           21. Defendants DOES 9 – 10 (“LVMPD SUPERVISORIAL DOES”) are  
13 managerial, supervisory, and policymaking employees for the LVMPD who were  
14 acting under color of law within the course and scope of their duties as managerial,  
15 supervisory, and policymaking employees for the LVMPD. LVMPD  
16 SUPERVISORIAL DOES were acting with the complete authority and ratification  
17 of their principal, Defendant LVMPD. At all relevant times, LVMPD was the  
18 employer of Defendants LVMPD SUPERVISORIAL DOES.

19           22. The true names and capacities, whether individual, corporate,  
20 association or otherwise of Defendants DOES 2-10, inclusive, are unknown to  
21 Plaintiffs, who otherwise sue these Defendants by such fictitious names. Plaintiffs  
22 will seek leave to amend this complaint to show the true names and capacity of  
23 these Defendants when they have been ascertained. Each of the fictitiously-named  
24 Defendants is responsible in some manner for the conduct or liabilities alleged  
25 herein.

26           23. At all times mentioned herein, each and every DOJMS Defendant was  
27 the agent of each and every other DOJMS Defendant and had the legal duty to  
28



1 oversee and supervise the hiring, conduct, and employment of each and every  
2 DOJMS Defendant.

3 24. At all times mentioned herein, each and every LVMPD Defendant was  
4 the agent of each and every other LVMPD Defendant and had the legal duty to  
5 oversee and supervise the hiring, conduct, and employment of each and every  
6 LVMPD Defendant.

7 25. All of the acts complained of herein by Plaintiffs against Defendants  
8 were done and performed by said Defendants by and through their authorized  
9 agents, servants, and/or employees, all of whom at all relevant times herein were  
10 acting within the course, purpose, and scope of said agency, service, and/or  
11 employment capacity. Moreover, Defendants and their agents ratified all of the acts  
12 complained of herein.

13 26. DECEDENT died as a direct and proximate result of the actions of  
14 Defendants BOHANON, WALFORD, MONTANA, LVMPD DOE OFFICERS,  
15 and DOJMS DOE DEPUTIES. Defendants BOHANON, WALFORD,  
16 LEDOGAR, MONTANA, LVMPD DOE OFFICERS, and DOJMS DOE  
17 DEPUTIES are directly liable for Plaintiffs' and DECEDENT's injuries under state  
18 and federal law pursuant to 42 U.S.C. § 1983, the Federal Tort Claims Act, *Bivens v.*  
19 *Six Unknown Named Agents*, 403 U.S. 388 (1971), and the Nevada Revised Statutes.

20 27. Defendants LVMPD, DOJMS, LVMPD DOE SUPERVISORS, and  
21 DOJMS DOE SUPERVISORS are vicariously liable for Plaintiffs' and  
22 DECEDENT's injuries under Nevada law and under the doctrine of *respondeat*  
23 *superior* because their employees and agents caused DECEDENT's death and  
24 Plaintiffs' injuries.

25 28. Defendants LVMPD and LVMPD DOE SUPERVISORS are also  
26 directly liable for Plaintiffs' and DECEDENT's injuries for municipal liability under  
27 *Monell v. Social Services of New York*, 436 U.S. 658 (1978) and its progeny.  
28

1           29. Defendants DOJMS and DOJMS DOE SUPERVISORS are also  
2 directly liable for Plaintiffs' and DECEDENT's injuries for supervisory liability  
3 under *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971) and its progeny.  
4

5                                   **JURISDICTION AND VENUE**

6           30. This civil action is brought for the redress of alleged deprivations of  
7 constitutional rights as protected by 42 U.S.C. §§ 1983, 1985, 1986, 1988, and the  
8 Fourth and Fourteenth Amendments of the United States Constitution. Jurisdiction  
9 is founded on 28 U.S.C. §§ 1331, 1343, and 1367.

10          31. Venue is proper in this Court under 28 U.S.C. § 1391(b) because all  
11 incidents, events, and occurrences giving rise to this action occurred in the City of  
12 Las Vegas, Nevada.  
13

14                                   **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

15          32. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
16 through 31 of this Complaint with the same force and effect as if fully set forth  
17 herein.

18          33. On December 31, 2015, at approximately 2:00 p.m. on that date, at or  
19 around 8335 Gilden Crown Court in Las Vegas, Nevada, DECEDENT sustained  
20 injuries, including but not limited to pain and suffering, loss of enjoyment of life,  
21 and death when he was shot by Defendants BOHANON and WALFORD and  
22 thereafter Defendant LEDOGAR released a police dog upon him. DOJMS DOE  
23 DEPUTIES and LVMPD DOE OFFICERS inclusive, integrally participated in or  
24 failed to intervene in the shooting.

25          34. Prior to BOHANON, WALFORD, LEDOGAR, and LVMPD DOE  
26 OFFICERS' arrival at the scene, MONTANA erroneously provided false  
27 information to LVMPD that DECEDENT was wanted for attempted murder.  
28 DECEDENT was not wanted for attempted murder.



1        35. DECEDENT was unarmed at all relevant times. DECEDENT was not  
2 holding a weapon or anything that looked like a weapon. The only thing  
3 DECEDENT had in his hand at the time of or immediately prior to the shooting was  
4 his cell phone. Defendants BOHANON and WALFORD opened fire even though  
5 DECEDENT was unarmed and even though there were residences in the  
6 background.

7        36. Upon information and belief, after being shot, DECEDENT was  
8 immobile, bleeding profusely, and in obvious and critical need of emergency  
9 medical care and treatment. Despite DECEDENT's physical state, Defendant  
10 LEDOGAR released a police dog upon DECEDENT. Defendants did not timely  
11 summon medical care or permit medical personnel to treat DECEDENT. The delay  
12 of medical care to DECEDENT caused DECEDENT extreme physical and  
13 emotional pain and suffering, and was a contributing cause of DECEDENT's death.

14        37. The use of deadly force against DECEDENT was excessive and  
15 objectively unreasonable under the circumstances, especially because DECEDENT  
16 did not pose an immediate threat of death or serious bodily injury to anyone at the  
17 time of the shooting and was unarmed at all relevant times. The shooting was done  
18 with a purpose to harm unrelated to any legitimate law enforcement objective and  
19 demonstrated a deliberate indifference to the health and safety of the DECEDENT.

20        38. Plaintiffs were dependent on DECEDENT, including financially  
21 dependent, to some extent, for the necessities of life.

22        39. Plaintiffs K.C., by and through her guardian Carolina Navarro, A.S., by  
23 and through her guardian Araceli Saenz, and K.C., by and through her guardian  
24 Amber Neubert, are DECEDENT's successors in interest and succeed to  
25 DECEDENT's interest in this action as the biological children of DECEDENT.

26        40. Plaintiffs submitted a Federal Tort Act Claim with the United States  
27 Department of Justice Marshals Service Internal Affairs department on July 19,  
28 2017.



1 and suffering and eventually suffered a loss of life and of earning capacity.

2 48. Defendants' shooting of DECEDENT violated their training.

3 49. As a result of their misconduct, Defendants BOHANON, WALFORD,  
4 LEDOGAR, and LVMPD DOE OFFICERS, each are liable for DECEDENT's and  
5 Plaintiffs' injuries, either because they were integral participants in the shooting or  
6 because they failed to intervene to prevent these violations.

7 50. The conduct of Defendants BOHANON, WALFORD, LEDOGAR,  
8 LVMPD DOE OFFICERS was willful, wanton, malicious, and done with reckless  
9 disregard for the rights and safety of DECEDENT and therefore warrants the  
10 imposition of exemplary and punitive damages as to individual Defendants  
11 BOHANON, WALFORD, LEDOGAR, and LVMPD DOE OFFICERS.

12 51. Plaintiffs K.C., by and through her guardian Carolina Navarro, A.S.,  
13 by and through her guardian Araceli Saenz, K.C., by and through her guardian  
14 Amber Neubert, JACQUELINE LAWRENCE, and FREDERICK WAID as the  
15 special administrator of the ESTATE OF KEITH CHILDRESS, JR., bring this claim  
16 as successors in interest to DECEDENT and seek both survival and wrongful death  
17 damages under this claim, including pain and suffering, loss of life, and loss of  
18 enjoyment of life. Plaintiffs also claim funeral and burial expenses, loss of financial  
19 support, and attorneys' fees under this claim.

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**SECOND CLAIM FOR RELIEF**

**Unreasonable Search and Seizure—Denial of Medical Care (42 U.S.C. § 1983)**

(By Plaintiffs FREDERICK WAID as special administrator of the ESTATE OF KEITH CHILDRESS, JR., K.C., A.S., K.C., and JACQUELINE LAWRENCE against Defendants BOHANON, WALFORD, LEDOGAR, and LVMPD DOE OFFICERS)

52. Plaintiffs repeat and reallege each and every allegation in paragraphs 1 through 51 of this Complaint with the same force and effect as if fully set forth herein.

53. The denial of medical care by Defendants BOHANON, WALFORD, LEDOGAR, and LVMPD DOE OFFICERS deprived DECEDENT of his right to be secure in his person against unreasonable searches and seizures as guaranteed to DECEDENT under the Fourth Amendment to the United States Constitution and applied to state actors by the Fourteenth Amendment.

54. As a result, DECEDENT suffered extreme pain and suffering and eventually suffered a loss of life and earning capacity.

55. Defendants BOHANON, WALFORD, LEDOGAR, and LVMPD DOE OFFICERS knew that failure to provide timely medical treatment to DECEDENT could result in further significant injury or the unnecessary and wanton infliction of pain, but disregarded that serious medical need, causing DECEDENT great bodily harm and death.

56. Defendants' failure to timely provide medical treatment to DECEDENT was a violation of their training.

57. As a result of their misconduct, Defendants BOHANON, WALFORD, LEDOGAR, and LVMPD DOE OFFICERS each are liable for DECEDENT's and Plaintiffs' injuries, either because they were integral participants in the shooting or because they failed to intervene to prevent these violations.



1 the United States Constitution to be free from state actions that deprive her of life,  
2 liberty, or property in such a manner as to shock the conscience, including but not  
3 limited to unwarranted state interference in her familial relationship with her father,  
4 DECEDENT.

5 63. Plaintiff A.S. had a cognizable interest under the Due Process Clause of  
6 the Fourteenth Amendment of the United States Constitution to be free from state  
7 actions that deprive her of life, liberty, or property in such a manner as to shock the  
8 conscience, including but not limited to unwarranted state interference in her  
9 familial relationship with her father, DECEDENT.

10 64. Plaintiff K.C., by and through her guardian Amber Neubert, had a  
11 cognizable interest under the Due Process Clause of the Fourteenth Amendment of  
12 the United States Constitution to be free from state actions that deprive him of life,  
13 liberty, or property in such a manner as to shock the conscience, including but not  
14 limited to unwarranted state interference in his familial relationship with her father,  
15 DECEDENT.

16 65. Plaintiff LAWRENCE had a cognizable interest under the Due Process  
17 Clause of the Fourteenth Amendment of the United States Constitution to be free  
18 from state actions that deprive her of life, liberty, or property in such a manner as to  
19 shock the conscience, including but not limited to unwarranted state interference in  
20 her familial relationship with her son, DECEDENT.

21 66. Plaintiff CHILDRESS had a cognizable interest under the Due Process  
22 Clause of the Fourteenth Amendment of the United States Constitution to be free  
23 from state actions that deprive him of life, liberty, or property in such a manner as to  
24 shock the conscience, including but not limited to unwarranted state interference in  
25 his familial relationship with his son, DECEDENT.

26 67. The aforementioned actions of BOHANON, WALFORD, LEDOGAR,  
27 and LVMPD DOE OFFICERS, along with other undiscovered conduct, shock the  
28 conscience, in that they acted with deliberate indifference to the constitutional rights



1 of DECEDENT and Plaintiffs, and with purpose to harm unrelated to any legitimate  
2 law enforcement objective.

3 68. As a direct and proximate cause of the acts of BOHANON,  
4 WALFORD, LEDOGAR, and LVMPD DOE OFFICERS, DECEDENT  
5 experienced severe pain and suffering and lost his life and earning capacity.

6 69. BOHANON, WALFORD, LEDOGAR, and LVMPD DOE OFFICERS  
7 thus violated the substantive due process rights of Plaintiffs to be free from  
8 unwarranted interference with their familial relationship with DECEDENT.

9 70. Plaintiffs have suffered extreme and severe mental anguish and pain  
10 and have been injured in mind and body. Plaintiffs have also been deprived of the  
11 life-long love, companionship, comfort, support, society, care, and sustenance of  
12 DECEDENT, and will continue to be so deprived for the remainder of their natural  
13 lives.

14 71. The conduct of BOHANON, WALFORD, LEDOGAR, and LVMPD  
15 DOE OFFICERS was willful, wanton, malicious, and done with reckless disregard  
16 for the rights and safety of DECEDENT and Plaintiffs and therefore warrants the  
17 imposition of exemplary and punitive damages as to BOHANON, WALFORD,  
18 LEDOGAR, and LVMPD DOE OFFICERS.

19 72. Plaintiffs K.C., A.S., and K.C. bring this claim as successors in interest  
20 to DECEDENT and seek both survival and wrongful death damages under this  
21 claim, including pain and suffering and loss of enjoyment of life.

22 73. Plaintiffs LAWRENCE and CHILDRESS bring this claim in each case  
23 individually and seek wrongful death damages for the violation of DECEDENT's  
24 rights.

25 74. Plaintiff FREDERICK WAID as the special administrator of the  
26 ESTATE OF KEITH CHILDRESS, JR., also brings this claim and seek survival  
27 damages.  
28

1           75. Plaintiffs also claim funeral and burial expenses, punitive damages, loss  
2 of financial support, and attorney's fees under this claim.

3  
4                                   **FOURTH CLAIM FOR RELIEF**

5                           **Municipal Liability for Ratification (42 U.S.C. § 1983)**

6           (By Plaintiffs FREDERICK WAID as special administrator of the ESTATE OF  
7           KEITH CHILDRESS, JR., K.C., A.S., K.C., and JACQUELINE LAWRENCE  
8           against Defendants LVMPD and LVMPD DOE SUPERVISORS)

9           76. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
10 through 75 of their Complaint with the same force and effect as if fully set forth  
11 herein.

12           77. Defendants BOHANON, WALFORD, and LEDOGAR, LVMPD DOE  
13 OFFICERS acted under color of law.

14           78. The acts of Defendants BOHANON, WALFORD, LEDOGAR, and  
15 LVMPD DOE OFFICERS deprived DECEDENT and Plaintiffs of their particular  
16 rights under the United States Constitution.

17           79. Upon information and belief, a final policymaker, acting under color of  
18 law, who had final policymaking authority concerning the acts of Defendants  
19 BOHANON, WALFORD, LEDOGAR, and LVMPD DOE OFFICERS, ratified (or  
20 will ratify) Defendants BOHANON, WALFORD, LEDOGAR, and LVMPD DOE  
21 OFFICERS' acts and the bases for them. Upon information and belief, the final  
22 policymaker knew of and specifically approved of (or will specifically approve of)  
23 Defendants BOHANON'S, WALFORD'S, LEDOGAR'S, and LVMPD DOE  
24 OFFICERS' acts.

25           80. Upon information and belief, a final policymaker has determined (or  
26 will determine) that the acts of Defendants BOHANON, WALFORD, LEDOGAR,  
27 and LVMPD DOE OFFICERS were "within policy."  
28



1           86. Defendants BOHANON, WALFORD, LEDOGAR, and LVMPD DOE  
2 OFFICERS acted under color of law.

3           87. The acts of Defendants BOHANON, WALFORD, LEDOGAR, and  
4 LVMPD DOE OFFICERS deprived DECEDENT and Plaintiffs of their particular  
5 rights under the United States Constitution.

6           88. The training policies of Defendant CITY were not adequate to train its  
7 deputies to handle the usual and recurring situations with which they must deal.

8           89. Defendant CITY was deliberately indifferent to the obvious  
9 consequences of its failure to train its officers adequately.

10          90. The failure of Defendant CITY to provide adequate training caused the  
11 deprivation of Plaintiffs' rights by Defendants BOHANON, WALFORD,  
12 LEDOGAR, and LVMPD DOE OFFICERS; that is, the LVMPD'S failure to train is  
13 so closely related to the deprivation of the Plaintiffs' rights as to be the moving  
14 force that caused the ultimate injury.

15          91. By reason of the aforementioned acts and omissions, Plaintiffs have  
16 suffered loss of the love, companionship, affection, comfort, care, society, training,  
17 guidance, and past and future support of DECEDENT. The aforementioned acts and  
18 omissions also caused DECEDENT's pain and suffering, loss of enjoyment of life,  
19 and death.

20          92. Accordingly, Defendants LVMPD and LVMPD DOE SUPERVISORS  
21 each are liable to Plaintiffs for compensatory damages under 42 U.S.C. § 1983.

22          93. Plaintiffs K.C., by and through her guardian Carolina Navarro, A.S.,  
23 by and through her guardian Araceli Saenz, K.C., by and through her guardian  
24 Amber Neubert, JACQUELINE LAWRENCE, and FREDERICK WAID as the  
25 special administrator of the ESTATE OF KEITH CHILDRESS, JR., bring this claim  
26 as successors in interest to DECEDENT and seek both survival and wrongful death  
27 damages under this claim, including pain and suffering, loss of life, and loss of  
28

1 enjoyment of life. Plaintiffs also claim funeral and burial expenses, loss of financial  
2 support, and attorneys' fees under this claim.

3  
4 **SIXTH CLAIM FOR RELIEF**

5 **Municipal Liability – Unconstitutional Custom or Policy (42 U.S.C. § 1983)**

6 (By Plaintiffs FREDERICK WAID as special administrator of the ESTATE OF  
7 KEITH CHILDRESS, JR., K.C., A.S., K.C., and JACQUELINE LAWRENCE  
8 against Defendants LVMPD and LVMPD DOE SUPERVISORS)

9 94. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
10 through 93 of their Complaint with the same force and effect as if fully set forth  
11 herein.

12 95. Defendants BOHANON, WALFORD, LEDOGAR, and LVMPD DOE  
13 OFFICERS acted under color of law.

14 96. Defendants BOHANON, WALFORD, LEDOGAR, and LVMPD DOE  
15 OFFICERS acted pursuant to an expressly adopted official policy or a longstanding  
16 practice or custom of the Defendant LVMPD.

17 97. On information and belief, Defendants BOHANON, WALFORD,  
18 LEDOGAR, and LVMPD DOE OFFICERS were not disciplined, reprimanded,  
19 retrained, suspended, or otherwise penalized in connection with DECEDENT's  
20 death.

21 98. Defendants LVMPD, BOHANON, WALFORD, LEDOGAR, and  
22 LVMPD DOE OFFICERS, together with other LVMPD policymakers and  
23 supervisors, maintained, inter alia, the following unconstitutional customs, practices,  
24 and policies:

- 25 (a) Using excessive force, including excessive deadly force;  
26 (b) Providing inadequate training regarding the use of deadly force;  
27 (c) Employing and retaining as police officers individuals such as  
28 Defendants BOHANON, WALFORD, LEDOGAR, and LVMPD

1 DOE OFFICERS, whom Defendant LVMPD at all times  
2 material herein knew or reasonably should have known had  
3 dangerous propensities for abusing their authority and for using  
4 excessive force;

5 (d) Inadequately supervising, training, controlling, assigning, and  
6 disciplining LVMPD deputies and other personnel, including  
7 Defendants BOHANON, WALFORD, LEDOGAR, and LVMPD  
8 DOE OFFICERS, whom Defendant LVMPD knew or in the  
9 exercise of reasonable care should have known had the  
10 aforementioned propensities and character traits;

11 (e) Maintaining grossly inadequate procedures for reporting,  
12 supervising, investigating, reviewing, disciplining and  
13 controlling misconduct by LVMPD officers;

14 (f) Failing to adequately discipline LVMPD officers for the above-  
15 referenced categories of misconduct, including “slaps on the  
16 wrist,” discipline that is so slight as to be out of proportion to the  
17 magnitude of the misconduct, and other inadequate discipline  
18 that is tantamount to encouraging misconduct;

19 (g) Announcing that unjustified shootings are “within policy,”  
20 including shootings that were later determined in court to be  
21 unconstitutional;

22 (h) Even where shootings are determined in court to be  
23 unconstitutional, refusing to discipline, terminate, or retrain the  
24 officers involved;

25 (i) Encouraging, accommodating, or facilitating a “blue code of  
26 silence,” “blue shield,” “blue wall,” “blue curtain,” “blue veil,”  
27 or simply “code of silence,” pursuant to which police officers do  
28 not report other officers’ errors, misconduct, or crimes. Pursuant



1 to this code of silence, if questioned about an incident of  
2 misconduct involving another officer, while following the code,  
3 the officer being questioned will claim ignorance of the other  
4 officers' wrongdoing; and

- 5 (j) Maintaining a policy of inaction and an attitude of indifference  
6 towards soaring numbers of police shootings, including by  
7 failing to discipline, retrain, investigate, terminate, and  
8 recommend officers for criminal prosecution who participate in  
9 shootings of unarmed people.

10 99. By reason of the aforementioned acts and omissions, Plaintiffs have  
11 suffered loss of the love, companionship, affection, comfort, care, society, training,  
12 guidance, and past and future support of DECEDENT. The aforementioned acts and  
13 omissions also caused DECEDENT's pain and suffering, loss of enjoyment of life,  
14 and death.

15 100. Defendants LVMPD and LVMPD DOE SUPERVISORS, together with  
16 various other officials, whether named or unnamed, had either actual or constructive  
17 knowledge of the deficient policies, practices and customs alleged in the paragraphs  
18 above. Despite having knowledge as stated above, these defendants condoned,  
19 tolerated and through actions and inactions thereby ratified such policies. Said  
20 defendants also acted with deliberate indifference to the foreseeable effects and  
21 consequences of these policies with respect to the constitutional rights of  
22 DECEDENT, Plaintiffs, and other individuals similarly situated.

23 101. By perpetrating, sanctioning, tolerating and ratifying the outrageous  
24 conduct and other wrongful acts, LVMPD DOE SUPERVISORS acted with  
25 intentional, reckless, and callous disregard for the life of DECEDENT and for  
26 DECEDENT's and Plaintiffs' constitutional rights. Furthermore, the policies,  
27 practices, and customs implemented, maintained, and still tolerated by Defendants  
28

1 LVMPD and LVMPD DOE SUPERVISORS were affirmatively linked to and were  
2 a significantly influential force behind the injuries of DECEDENT and Plaintiffs.

3 102. Accordingly, Defendants LVMPD and LVMPD DOE SUPERVISORS  
4 each are liable to Plaintiffs for compensatory damages under 42 U.S.C. § 1983.

5 103. Plaintiffs K.C., by and through her guardian Carolina Navarro, A.S.,  
6 by and through her guardian Araceli Saenz, K.C., by and through her guardian  
7 Amber Neubert, JACQUELINE LAWRENCE, and FREDERICK WAID as  
8 the special administrator of the ESTATE OF KEITH CHILDRESS, JR., bring this  
9 claim as successors in interest to DECEDENT and seek both survival and wrongful  
10 death damages under this claim, including pain and suffering, loss of life, and loss  
11 of enjoyment of life. Plaintiffs also claim funeral and burial expenses, loss of  
12 financial support, and attorneys' fees under this claim.

13  
14 **SEVENTH CLAIM FOR RELIEF**

15 **Battery (wrongful death)**

16 (By all Plaintiffs against Defendants LVMPD, BOHANON, WALFORD,  
17 LEDOGAR, and LVMPD DOE OFFICERS)

18 104. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
19 through 103 of this Complaint with the same force and effect as if fully set forth  
20 herein.

21 105. Defendants BOHANON, WALFORD, and LEDOGAR, while working  
22 as sergeants, officers, agents and/or deputies for the LVMPD and acting within the  
23 course and scope of their duties, intentionally shot DECEDENT multiple times and  
24 released a police dog on DECEDENT after he was shot. LVMPD DOE OFFICERS  
25 also while working as sergeants, officers, agents and/or deputies for the LVMPD  
26 and acting within the course and scope of their duties, integrally participated or  
27 failed to intervene in the shooting.

1           106. As a result of the actions of BOHANON, WALFORD, LEDOGAR,  
2 and LVMPD DOE OFFICERS, DECEDENT suffered severe pain and suffering and  
3 ultimately died from his injuries and also lost his earning capacity. BOHANON,  
4 WALFORD, LEDOGAR, and LVMPD DOE OFFICERS had no legal justification  
5 for using deadly force against DECEDENT, and said Defendants' use of force while  
6 carrying out their duties as sergeants or officers for the LVMPD was an  
7 unreasonable use of force under the circumstances.

8           107. As a direct and proximate result of the conduct of BOHANON,  
9 WALFORD, LEDOGAR, and LVMPD DOE OFFICERS as alleged above,  
10 Plaintiffs and DECEDENT suffered extreme and severe mental anguish and pain  
11 and have been injured in mind and body.

12           108. The aforementioned wrongful acts, conduct, and use of excessive force  
13 were unconstitutional.

14           109. Defendant LVMPD is vicariously liable for the wrongful acts of  
15 BOHANON, WALFORD, LEDGOAR, and LVMPD DOE OFFICERS because  
16 under Nevada law, a public entity is liable for the injuries caused by its employees  
17 within the scope of the employment if the employee's act would subject him or her  
18 to liability.

19           110. The conduct of BOHANON, WALFORD, LEDOGAR, and LVMPD  
20 DOE OFFICERS was malicious, wanton, oppressive, and accomplished with a  
21 conscious disregard for the rights of Plaintiffs and DECEDENT, entitling Plaintiffs,  
22 in each case individually and as a successor-in-interest to DECEDENT, to an award  
23 of exemplary and punitive damages as to BOHANON, WALFORD, LEDOGAR,  
24 and LVMPD DOE OFFICERS.

25           111. Plaintiffs LAWRENCE and CHILDRESS bring this claim individually  
26 and seek both survival and wrongful death damages under this claim based on their  
27 financial dependency on DECEDENT.  
28

112. Plaintiffs K.C., by and through her guardian Carolina Navarro, A.S., by and through her guardian Araceli Saenz, K.C., by and through her guardian Amber Neubert, and FREDICK WAID as the special administrator of the ESTATE OF KEITH CHILDRESS, JR., bring this claim as successors in interest to DECEDENT and seek both survival and wrongful death damages under this claim, including pain and suffering, loss of life, and loss of enjoyment of life. Plaintiffs also claim funeral and burial expenses, loss of financial support, and attorneys' fees under this claim.

### **EIGHTH CLAIM FOR RELIEF**

#### **Negligence (wrongful death)**

(By all Plaintiffs against Defendants LVMPD, BOHANON, WALFORD, LEDOGAR, and LVMPD DOE OFFICERS)

113. Plaintiffs repeat and reallege each and every allegation in paragraphs 1 through 112 of this Complaint with the same force and effect as if fully set forth herein.

114. The actions and inactions of Defendants were negligent and reckless, including but not limited to:

- (a) the failure to properly and adequately assess the need to detain, arrest, and use force or deadly force against DECEDENT;
- (b) the negligent tactics and handling of the situation with DECEDENT, including pre-shooting negligence;
- (c) the negligent detention, arrest, and use of force, including deadly force, against DECEDENT;
- (d) the failure to provide prompt medical care to DECEDENT;
- (e) the failure to properly train and supervise employees, both professional and non-professional, including BOHANON, WALFORD, LEDOGAR, and LVMPD DOE OFFICERS;

1 (f) the failure to ensure that adequate numbers of employees with  
2 appropriate education and training were available to meet the  
3 needs of and protect the rights of DECEDENT.

4 115. As a direct and proximate result of Defendants' conduct as alleged  
5 above, and other undiscovered negligent conduct, DECEDENT was caused to suffer  
6 severe pain and suffering and ultimately died and lost earning capacity. Also as a  
7 direct and proximate result of Defendants' conduct as alleged above, Plaintiffs  
8 suffered extreme and severe mental anguish and pain and have been injured in mind  
9 and body. Plaintiffs also have been deprived of the life-long love, companionship,  
10 comfort, support, society, care and sustenance of DECEDENT, and will continue to  
11 be so deprived for the remainder of their natural lives.

12 116. The aforementioned wrongful acts, conduct, and use of excessive force  
13 were unconstitutional.

14 117. The LVMPD is vicariously liable for the wrongful acts of LVMPD  
15 DOE OFFICERS because a public entity is liable for the injuries caused by its  
16 employees within the scope of the employment if the employee's act would subject  
17 him or her to liability.

18 118. Plaintiffs LAWRENCE and CHILDRESS bring this claim individually  
19 and seek both survival and wrongful death damages under this claim based on their  
20 financial dependency on DECEDENT.

21 119. Plaintiffs K.C., by and through her guardian Carolina Navarro, A.S.,  
22 by and through her guardian Araceli Saenz, K.C., by and through her guardian  
23 Amber Neubert, and FREDERICK WAID as the special administrator of the  
24 ESTATE OF KEITH CHILDRESS, JR., bring this claim as successors in interest to  
25 DECEDENT and seek both survival and wrongful death damages under this claim,  
26 including pain and suffering, loss of life, and loss of enjoyment of life. Plaintiffs  
27 also claim funeral and burial expenses, loss of financial support, and attorneys' fees  
28 under this claim.

**NINTH CLAIM FOR RELIEF**

**Wrongful Death**

**(Federal Tort Claims Act—28 U.S.C. §1346(b))**

(By all Plaintiffs against Defendants MONTANA; DOJMS DOE DEPUTIES;  
DOJMS DOE SUPERVISORS; and DOJMS)

120. Plaintiffs repeat and reallege each and every allegation in paragraphs 1 through 119 of this Complaint with the same force and effect as if fully set forth herein.

121. MONTANA and DOJMS DOE DEPUTIES, while working as deputies for the DOJMS and acting within the course and scope of their duties, integrally participated or failed to intervene in the unlawful and unjustified shooting of DECEDENT.

122. As a result of the actions and inactions of MONTANA and DOJMS DOE DEPUTIES, DECEDENT suffered severe pain and suffering and ultimately died from his injuries and also lost his earning capacity.

123. As a direct and proximate result of the conduct of MONTANA and DOJMS DOE DEPUTIES as alleged above, Plaintiffs have suffered loss of the love, companionship, affection, comfort, care, society, training, guidance, and past and future support of DECEDENT. The aforementioned acts and omissions also caused DECEDENT's pain and suffering, loss of enjoyment of life, and death.

124. Plaintiffs LAWRENCE and CHILDRESS bring this claim individually and seek both survival and wrongful death damages under this claim based on their financial dependency on DECEDENT.

125. Plaintiffs K.C., by and through her guardian Carolina Navarro, A.S., by and through her guardian Araceli Saenz, K.C., by and through her guardian Amber Neubert, and FREDERICK WAID as the special administrator of the ESTATE OF KEITH CHILDRESS, JR., bring this claim as successors in interest to DECEDENT and seek both survival and wrongful death damages under this claim,



1 including pain and suffering and loss of enjoyment of life. Plaintiffs also claim  
2 funeral and burial expenses, loss of financial support, and attorneys' fees under this  
3 claim.

4  
5 **TENTH CLAIM FOR RELIEF**

6 **Supervisory Liability**

7 ***(Bivens Action)***

8 (By Plaintiffs FREDERICK WAID as special administrator of the ESTATE  
9 OF KEITH CHILDRESS, JR., K.C., A.S., K.C., and JACQUELINE

10 LAWRENCE against Defendants DOJMS and DOJMS DOE

11 SUPERVISORS)

12 126. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
13 through 125 of this Complaint with the same force and effect as if fully set forth  
14 herein.

15 127. MONTANA and DOJMS DOE DEPUTIES integrally participated or  
16 failed to intervene in the shooting of DECEDENT, thereby violating DECEDENT's  
17 right to be free from unreasonable searches and seizures, excessive force, and  
18 conscience-shocking behavior pursuant to the Fourth and Fourteenth Amendments  
19 to the United States Constitution.

20 128. On information and belief, Defendants MONTANA and DOJMS DOE  
21 DEPUTIES' participation in the unjustified shooting of DECEDENT was found to  
22 be within DOJMS policy.

23 129. On information and belief, Defendants MONTANA and DOJMS DOE  
24 DEPUTIES' participation in the unjustified shooting of DECEDENT was ratified by  
25 DOJMS DOE SUPERVISORS.

26 130. On information and belief, MONTANA and DOJMS DOE DEPUTIES  
27 were not disciplined for their participation in the unjustified shooting DECEDENT.

28 131. On and for some time prior to December 31, 2015 (and continuing to

1 the present date), Defendants DOJMS, MONTANA, DOJMS DOE DEPUTIES, and  
2 DOJMS SUPERVISORIAL DOES, acting with gross negligence and with reckless  
3 and deliberate indifference to the rights and liberties of the public in general, and of  
4 Plaintiffs and DECEDENT, and of persons in their class, situation and comparable  
5 position in particular, knowingly maintained, enforced and applied an official  
6 recognized custom, policy, and practice of:

- 7 (a) Employing and retaining as federal deputies and other personnel,  
8 including MONTANA and DOJMS DOE DEPUTIES, whom  
9 Defendants DOJMS and DOJMS DOE SUPERVISORS at all  
10 times material herein knew or reasonably should have known  
11 had propensities for providing erroneous or false information,  
12 and dangerous propensities for abusing their authority and for  
13 mistreating citizens by failing to follow written DOJMS policies;
- 14 (b) Of inadequately supervising, training, controlling, assigning, and  
15 disciplining DOJMS deputies and other personnel, including  
16 MONTANA and DOJMS DOE DEPUTIES, whom Defendants  
17 DOJMS and DOJMS DOE SUPERVISORS knew or in the  
18 exercise of reasonable care should have known had the  
19 aforementioned propensities and character traits;
- 20 (c) By maintaining grossly inadequate procedures for reporting,  
21 supervising, investigating, reviewing, disciplining and  
22 controlling the negligent or intentional misconduct by  
23 Defendants MONTANA and DOJMS DOE DEPUTIES, who are  
24 deputies and/or agents of DOJMS;
- 25 (d) By failing to discipline DOJMS deputies and/or agents for  
26 negligent or intentional misconduct;
- 27  
28

- 1 (e) By ratifying the negligent or intentional misconduct of  
2 MONTANA and DOJMS DOE DEPUTIES and other DOJMS  
3 deputies and/ or agents with respect to the use of deadly force;  
4 (f) By having and maintaining an unconstitutional policy, custom,  
5 and practice of reporting erroneous and/or false information,  
6 which also is demonstrated by inadequate training regarding  
7 these subjects. The policies, customs, and practices of  
8 Defendants DOJMS and DOJMS DOE SUPERVISORS were  
9 maintained with a deliberate indifference to individuals' safety  
10 and rights; and  
11 (g) By failing to properly investigate claims of erroneous or false  
12 reporting by DOJMS deputies.

13 132. By reason of the aforementioned policies and practices of Defendants  
14 MONTANA, DOJMS DOE DEPUTIES, DOJMS, and DOJMS DOE  
15 SUPERVISORS, DECEDENT was severely injured and subjected to pain and  
16 suffering and lost his life.

17 133. Defendants DOJMS and DOJMS DOE SUPERVISORS, together with  
18 various other officials, whether named or unnamed, had either actual or constructive  
19 knowledge of the deficient policies, practices and customs alleged in the paragraphs  
20 above. Despite having knowledge as stated above, these defendants condoned,  
21 tolerated and through actions and inactions thereby ratified such policies. Said  
22 defendants also acted with deliberate indifference to the foreseeable effects and  
23 consequences of these policies with respect to the constitutional rights of  
24 DECEDENT, Plaintiffs, and other individuals similarly situated.

25 134. By perpetrating, sanctioning, tolerating and ratifying the outrageous  
26 conduct and other wrongful acts, Defendants MONTANA, DOJMS DOE  
27 DEPUTIES, DOJMS DOE SUPERVISORS acted with intentional, reckless, and  
28 callous disregard for the life of DECEDENT and for DECEDENT's and Plaintiffs'

1 constitutional rights. Furthermore, the policies, practices, and customs implemented,  
2 maintained, and still tolerated by Defendants DOJMS and DOJMS DOE  
3 SUPERVISORS were affirmatively linked to and were a significantly influential  
4 force behind the injuries of DECEDENT and Plaintiffs.

5 135. The actions of each of Defendants MONTANA, DOJMS DOE  
6 DEPUTIES, and DOJMS DOE SUPERVISORS were willful, wanton, oppressive,  
7 malicious, fraudulent, and extremely offensive and unconscionable to any person of  
8 normal sensibilities, and therefore warrants the imposition of exemplary and  
9 punitive damages as to Defendants DOJMS DOE SUPERVISORS.

10 136. By reason of the aforementioned acts and omissions of Defendants,  
11 Plaintiffs were caused to incur funeral and burial expenses, loss of financial support,  
12 loss of love, companionship, affection, comfort, care, society, and future support.

13 137. Accordingly, Defendants DOJMS and DOJMS DOE SUPERVISORS  
14 each are liable to Plaintiffs for compensatory damages under *Bivens v. Six Unknown*  
15 *Agents*, 403 U.S. 388 (1971). Plaintiffs K.C., by and through her guardian Carolina  
16 Navarro, A.S., by and through her guardian Araceli Saenz, K.C., by and through her  
17 guardian Amber Neubert, JACQUELINE LAWRENCE, and FREDERICK WAID  
18 as the special administrator of the ESTATE OF KEITH CHILDRESS, JR., bring  
19 this claim as successors in interest to DECEDENT and seek both survival and  
20 wrongful death damages under this claim, including pain and suffering, loss of life,  
21 and loss of enjoyment of life. Plaintiffs also claim funeral and burial expenses, loss  
22 of financial support, and attorneys' fees under this claim.

23 //

24 //

25 //

26 //

27 //

28

**ELEVENTH CLAIM FOR RELIEF**

**Unreasonable Search and Seizure—Excessive Force (42 U.S.C. § 1983) (*Bivens*)**

(By Plaintiffs FREDERICK WAID as special administrator of the ESTATE OF KEITH CHILDRESS, K.C., A.S., K.C., and JACQUELINE LAWRENCE against Defendants MONTANA and DOJMS DOE DEPUTIES)

138. Plaintiffs repeat and reallege each and every allegation in paragraphs 1 through 137 of this Complaint with the same force and effect as if fully set forth herein.

139. Defendants MONTANA and DOJMS DOE DEPUTIES integrally participated or failed to intervene in the shooting of DECEDENT. Defendants MONTANA and DOJMS DOE DEPUTIES' participation in the unjustified shooting deprived DECEDENT of his right to be secure in his person against unreasonable searches and seizures as guaranteed to DECEDENT under the Fourth Amendment to the United States Constitution and applied to state actors by the Fourteenth Amendment.

140. The shooting was excessive and unreasonable, especially because DECEDENT posed no immediate threat of death or serious bodily injury at the time of the shooting and was unarmed at all relevant times.

141. As a result of the shooting, DECEDENT suffered extreme pain and suffering and eventually suffered a loss of life and of earning capacity.

142. As a result of their misconduct, Defendants MONTANA and DOJMS DOE DEPUTIES each are liable for DECEDENT's and Plaintiffs' injuries, either because they were integral participants in the shooting or because they failed to intervene to prevent these violations.

143. The conduct of Defendants MONTANA and DOJMS DOE DEPUTIES was willful, wanton, malicious, and done with reckless disregard for the rights and safety of DECEDENT and therefore warrants the imposition of exemplary and

1 punitive damages as to individual Defendants MONTANA and DOJMS DOE  
2 DEPUTIES.

3 144. Plaintiffs K.C., by and through her guardian Carolina Navarro, A.S.,  
4 by and through her guardian Araceli Saenz, K.C., by and through her guardian  
5 Amber Neubert, JACQUELINE LAWRENCE, and FREDERICK WAID as the  
6 special administrator of the ESTATE OF KEITH CHILDRESS, JR., bring this claim  
7 as successors in interest to DECEDENT and seek both survival and wrongful death  
8 damages under this claim, including pain and suffering, loss of life, and loss of  
9 enjoyment of life. Plaintiffs also claim funeral and burial expenses, loss of financial  
10 support, and attorneys' fees under this claim.

## 11 **TWELFTH CLAIM FOR RELIEF**

### 12 **Substantive Due Process (*Bivens*)**

13 **(By all Plaintiffs against Defendants MONTANA and DOJMS DOE**  
14 **DEPUTIES)**

15 145. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
16 through 144 of this Complaint with the same force and effect as if fully set forth  
17 herein.  
18

19 146. DECEDENT had a cognizable interest under the Due Process Clause of  
20 the Fourteenth Amendment of the United States Constitution to be free from state  
21 actions that deprive him of life, liberty, or property in such a manner as to shock the  
22 conscience.

23 147. Plaintiff K.C., by and through her guardian Carolina Navarro, had a  
24 cognizable interest under the Due Process Clause of the Fourteenth Amendment of  
25 the United States Constitution to be free from state actions that deprive her of life,  
26 liberty, or property in such a manner as to shock the conscience, including but not  
27 limited to unwarranted state interference in her familial relationship with her father,  
28 DECEDENT.



1           148. Plaintiff A.S. had a cognizable interest under the Due Process Clause of  
2 the Fourteenth Amendment of the United States Constitution to be free from state  
3 actions that deprive her of life, liberty, or property in such a manner as to shock the  
4 conscience, including but not limited to unwarranted state interference in her  
5 familial relationship with her father, DECEDENT.

6           149. Plaintiff K.C., by and through her guardian Amber Neubert, had a  
7 cognizable interest under the Due Process Clause of the Fourteenth Amendment of  
8 the United States Constitution to be free from state actions that deprive her of life,  
9 liberty, or property in such a manner as to shock the conscience, including but not  
10 limited to unwarranted state interference in his familial relationship with her father,  
11 DECEDENT.

12           150. Plaintiff LAWRENCE had a cognizable interest under the Due Process  
13 Clause of the Fourteenth Amendment of the United States Constitution to be free  
14 from state actions that deprive her of life, liberty, or property in such a manner as to  
15 shock the conscience, including but not limited to unwarranted state interference in  
16 her familial relationship with her son, DECEDENT.

17           151. Plaintiff CHILDRESS had a cognizable interest under the Due Process  
18 Clause of the Fourteenth Amendment of the United States Constitution to be free  
19 from state actions that deprive him of life, liberty, or property in such a manner as to  
20 shock the conscience, including but not limited to unwarranted state interference in  
21 his familial relationship with his son, DECEDENT.

22           152. The aforementioned actions of MONTANA and DOJMS DOE  
23 DEPUTIES, including but not limited to providing false information that  
24 DECEDENT was wanted for attempted murder, along with other undiscovered  
25 conduct, shock the conscience, in that they acted with deliberate indifference to the  
26 constitutional rights of DECEDENT and Plaintiffs, and with purpose to harm  
27 unrelated to any legitimate law enforcement objective.  
28

1           153. As a direct and proximate cause of the acts of MONTANA and  
2 DOJMS DOE DEPUTIES, DECEDENT experienced severe pain and suffering and  
3 lost his life and earning capacity.

4           154. MONTANA and DOJMS DOE DEPUTIES thus violated the  
5 substantive due process rights of Plaintiffs to be free from unwarranted interference  
6 with their familial relationship with DECEDENT.

7           155. Plaintiffs have suffered extreme and severe mental anguish and pain  
8 and have been injured in mind and body. Plaintiffs have also been deprived of the  
9 life-long love, companionship, comfort, support, society, care, and sustenance of  
10 DECEDENT, and will continue to be so deprived for the remainder of their natural  
11 lives.

12           156. The conduct of MONTANA and DOJMS DOE DEPUTIES was  
13 willful, wanton, malicious, and done with reckless disregard for the rights and safety  
14 of DECEDENT and Plaintiffs and therefore warrants the imposition of exemplary  
15 and punitive damages as to MONTANA and DOJMS DOE DEPUTIES.

16           157. Plaintiffs LAWRENCE and CHILDRESS bring this claim individually  
17 and seek both survival and wrongful death damages under this claim based on their  
18 financial dependency on DECEDENT.

19           158. Plaintiffs K.C., by and through her guardian Carolina Navarro, A.S.,  
20 by and through her guardian Araceli Saenz, K.C., by and through her guardian  
21 Amber Neubert, and FREDERICK WAID as the special administrator of the  
22 ESTATE OF KEITH CHILDRESS, JR., bring this claim as successors in interest to  
23 DECEDENT and seek both survival and wrongful death damages under this claim,  
24 including pain and suffering, loss of life, and loss of enjoyment of life. Plaintiffs  
25 also claim funeral and burial expenses, loss of financial support, and attorneys' fees  
26 under this claim.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs request entry of judgment in their favor and against Defendants the Las Vegas Metropolitan Police Department, United States Department of Justice Marshals Service, Robert Bohanon, Blake Walford, James Ledogar, Brian Montana, and Does 2-10, inclusive, as follows:

- A. For compensatory damages, including both survival damages and wrongful death damages under federal and state law, in the amount to be proven at trial;
- B. For funeral and burial expenses, and loss of financial support;
- C. For punitive damages against the individual defendants in an amount to be proven at trial;
- D. For interest;
- E. For reasonable costs of this suit and attorneys' fees; and
- F. For such further other relief as the Court may deem just, proper, and appropriate.

DATED: April 9, 2018

LAW OFFICES OF DALE K. GALIPO  
LAW OFFICE OF PETER GOLDSTEIN

By                     /s/ Dale K. Galipo                    

Dale K. Galipo, Esq.  
Peter Goldstein, Esq.  
Attorneys for Plaintiffs

**DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand a trial by jury.

DATED: April 9, 2018

LAW OFFICES OF DALE K. GALIPO  
LAW OFFICE OF PETER GOLDSTEIN

By /s/ Dale K. Galipo  
Dale K. Galipo, Esq.  
Peter Goldstein, Esq.  
Attorneys for Plaintiffs